Shahrad Milanfar (SBN 201126)
smilanfar@bkscal.com
Alex P. Catalona (SBN 200901)
acatalona@bkscal.com
BECHERER KANNETT & SCHWEITZER
1255 Powell Street
Emeryville, CA 94608
Telephone: (510) 658-3600
Facsimile: (510) 658-1151

Attorneys for Defendant
PRECISION VALVE & AUTOMATION, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

RUBEN JUAREZ, an individual and ISELA HERNANDEZ, an individual,

Plaintiffs,

PRECISION VALVE & AUTOMATION, INC., a corporation and DOES 1-20,

Defendants.

CASE NO. CV17-03342-ODW (GJSX)
[L.A.S.C. Case No. BC650229]

DECLARATION OF JONATHAN URQUHART IN SUPPORT OF DEFENDANT PRECISION VALVE & AUTOMATION, INC.'S MOTION FOR SUMMARY JUDGMENT

Date: October 1, 2018
Time: 1:30 p.m.
Ctrm: 5D, 5th Floor
Judge: Hon. Otis D. Wright II

*This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on July 16, 2018. (Catalona Dec., 9:9-17, 690-694.)

**Defendant requests oral argument on this motion for summary judgment.

I, Jonathan Urquhart, declare,

1. I have personal knowledge of the following facts and could competently testify to those facts if called as a witness.

2. I currently serve as Director of Applications Engineering for Precision Valve & Automation, Inc., known as PVA, which is incorporated in New York and headquartered in Cohoes, New York. I started working at PVA in 1993 and over the years I have at various times also had responsibility for customer service, product development, sales support, and manufacturing operations. Before I was promoted to Director of Applications Engineering in approximately 2014, my title was Senior Applications Engineer.

3. As part of my job responsibilities, I am familiar with PVA's record keeping procedures regarding manufacturing and sales records for its products. I am also knowledgeable regarding PVA's sale of a PVA 350 conformal coating machine with P/N (product number) SPCX2115 and S/N (serial number) W2367, and the customer support PVA provided to its customer SpaceX for this machine. In general, a conformal coating machine such as the PVA 350 coats printed circuit boards or other objects with a thin polymeric film that conforms to the board's contours to protect it against moisture, dust, chemicals and temperature extremes. To the best of my knowledge, PVA only sold one PVA 350 to SpaceX.

4. Attached as Exhibits 65 to 69 are true and correct copies of bates stamped documents produced by PVA in this litigation which I reviewed. These documents are related to the PVA 350 and other products sold to SpaceX by PVA. These records were made at or near the time of the statements, acts and events reported or contained in the records by persons with knowledge of and a business duty to record those matters. These records were also kept in the course of PVA's regularly conducted business activities and made as a regular practice and custom of the business.

5. Attached as Exhibit 65 are true and correct copies of photographs of the PVA 350 which was sold to SpaceX in May, 2009. The first page of this exhibit, bates stamped PVA-0002 shows the Nameplate for this product which contains its model number, PVA350, serial

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94608
510-658-3600

number, W3267, and states that it was manufactured in May, 2009.

6. The first 22 pages of Exhibit 66 are records from April and May, 2009 regarding the sale and shipment of the PVA 350 to SpaceX in May, 2009.

7. Specifications for this machine, also known as a "workcell," are shown at bates stamped documents PVA-0385 through PVA-0388. As shown by these specifications, the coating material originally specified for this machine was Electrolube's "NVOC" which stands for "Non-Volatile Organic Compound" and is not a solvent like Arathane and Humiseal materials. See Ex. 66, PVA-0387 and PVA-1663.

8. Attached as Exhibit 67 is a true and correct copy of a Provisional Technical Data Sheet from Electrolube for NVOC Non-VOC Conformal Coating which is the material specified in 2009 by SpaceX for use in the PVA 350.

9. Attached as Exhibit 68 is a true and correct copy of the Coating and Dispensing Installation and Service Manual, which includes the Operation and Maintenance Manual Rev. R/08 (the "manual") that was provided to SpaceX at or near the time when the PVA 350 was shipped in May, 2009. This is further documented by a PDF document called the "PVA System Kit-PVA 350" (Ex. 66 at PVA 4551) which lists equipment and materials regarding the PVA 350 that were sent to SpaceX. This document lists the machine's Operating Guide CD, which contained the manual, as having been included in what was sent to SpaceX in this time frame. The PDF for this document, "W3267.pdf," was scanned and saved on PVA's network on or before June 24, 2009 which is shown by a screenshot of one of the electronic files for PVA's documents which states that the electronic file for this document, "W3267.pdf," was last modified on June 24, 2009. (Ex. 66 at PVA 4582.)

10. As explained in the manual, the PVA 350 monitored its exhaust flow and turned off if the exhaust system stopped operating. The PVA 350 "must exhaust at a rate of no less than 150 cubic feet per minute, otherwise a critical fault will occur shutting the motors down," which is also explained in the manual. (Ex. 68, PVA-0064.)

11. Second, the PVA 350 is a closed system with a door and negative air pressure to prevent chemicals from escaping. If the door of the machine is opened, the spraying of materials will stop. As explained in the manual, "[w]hen the door is opened power to the motors

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and pneumatics is disconnected." (Ex. 68, PVA-0062-0063.)

12. Third, the machine cannot be operated until a machine safety check is performed which ensures that all safety features are working properly. As stated in the manual, "[t]he machine safety check ensures the workcell safety devices (emergency stop, door interlocks, light curtain, etc.) are operating properly. During startup, the operator must enter the safety check and complete it successfully. Otherwise the machine halts all operations." (Ex. 68, PVA-0065.)

13. The machine has a door bypass switch which allows it to be accessed in manual or calibration modes but even then it will not run if the door is opened or ventilation is shut off. Unless it has been physically altered, the machine is programmed to stop and will stop when the door is opened or ventilation is shut off, no matter what mode it is in.

14. Before the PVA 350 was shipped to SpaceX, PVA conducted a safety inspection and verified that these safety features were working properly when it was sold. Page PVA-0270 documents that this safety inspection took place before the machine was shipped. (Ex. 66, PVA-0270.)

15. Attached as Exhibit 69 is a true and correct copy of emails from March 13, 2012, March 22, 2012, and March 23, 2012 from SpaceX to Bill Burns which were forwarded to me and received in conjunction with SpaceX's request for customer service related to the PVA 350.

16. I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct. Executed on August 16, 2018 in Cohoes, New York.

Jonathan Urquhart

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